

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
JULY 1, 2003
7:00 P.M.**

1. Mayor Tardibono called the meeting to order at 7:00 pm. Notice of a quorum present was given. The flag salute was led by Chris Newson he is a Second-class Scout from Troop 179 St. Charles Borromeo and the invocation was given by Father Oby Zunmas from St. Charles Borromeo.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Vice-Mayor Justin Frisbie
Councilman Jimmy Alexander
Councilman Walter Johnson
Councilman Bob Wehba
Councilman Barry Curl
Councilman Tom Smith
Councilman Greg Hayes

ABSENT

Councilman Mike Gossman

DEPARTMENT HEADS AND CONSULTANTS PRESENT

Pamela McDowell-Ramirez, City Clerk
Roger Patty, Police Chief
Rob Carter, Acting Fire Chief
Robert Beasley, Acting City Inspector
Scott Barrett, City Engineer
Wiley Rice, City Planner
Bob Jernigan, City Attorney

2. Recognition of Senior Citizens who made the yellow ribbons that were displayed along with the American flags that were flown along MacArthur and 39th Expressway.

No one was present from the Senior Citizen Center.

3. Questions and Comments from Warr Acres Residents.

There were none.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.
- A. Approval of Minutes – Regular City Council Meeting June 3, 2003
Special Council Meeting June 12, 2003
 - B. Report of Expenditures –

General Fund	\$87,729.75
Street & Alley	\$5,812.06
E911 Fund	\$1,720.00
 - C. Approval of Proposed Expenditures for June 2003. ****
 - D. Approval to re-invest maturing C-D's at best possible interest rate.
 - E. Report on Planning Commission minutes for June 2003. ****
 - F. Report on Board of Adjustment minutes for June 24, 2003. ****
 - G. **Transfer of Appropriations within their own departments to complete the FY 02-03 year. ******

Councilman Curl asked that item G be removed from the consent docket and Councilman Johnson asked for item B to be removed.

Motion by Frisbie, second by Wehba to approve the remaining items of the consent docket. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; except for the minutes from the June 12, 2003 Special Council Meeting and Tardibono, yea.

Motion passed unanimously.

5. Discussion and action on items removed from the consent docket.

Councilman Johnson questioned items listed on the claims list for the Police department and if Bethany was paying their share for the range. Chief Patty assured him that Bethany is doing their share of taking care of the range also. Councilman Johnson also pointed out a claim listed under the Street Department that should have actually been under the Police Department. Clerk Ramirez stated she would make sure it was changed.

Motion by Johnson, second by Wehba to approve item B with change being made. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

Councilman Curl asked for an explanation on exactly what item G was. Clerk Ramirez stated that under the old budget law there were categories in each department that must not go over budget or the city would be breaking the law. Under the Municipal Budget Law you are only required by law to keep from going over the total departmental budget.

Motion by Curl, second by Frisbie to approve item G. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

6. Report on Utility collections committee.

Mayor Tardibono stated that each member had been given a report and could read it at their leisure. Councilman Curl asked if proper notice on the delinquent accounts and procedure was being followed and he was told it was.

7. Approval to waive city's right to appeal BOA's Case 03-05 on property located at 6313 Willowridge. Presently zoned R-1 Single Family Residential District. Cindy L. Gipson, Owner/Applicant. Nature of appeal: 19.40.050A, swimming pools. (Requesting a variance on the set back requirement of six feet to utility easement) Variance approved.

Motion by Curl, second by Wehba to approve waiving the city's right to appeal BOA Case 03-04. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

8. Final Public Hearing concerning a Special Use Permit on a lot located at 5721 NW 42nd, zoned R-1, Victory Christian Center.

Mayor Tardibono stated that she would like to recuse herself from this item.

Audrey Blank with Dennis Box's office was present to represent Victory Christian Center. The applicant is asking for a Special Use Permit for a small piece of property that was not included in the original application. This piece of property was purchased at a later date and the Church would like to incorporate it into the parking lot. The Planning Commission recommended approval subject to the applicant providing additional information to the city and it is Ms. Blank understands that this has been provided to the city. They have already agreed that there will be no direct ingress or egress to 42nd Street from this property. The last part of the recommendation from the Planning Commission was that the original Special Use Permit be amended to delete the fencing around this property. The applicant requested that the council vote to change the prior site plan administratively so that it will conform to the site plan that is before the council now. Attorney Jernigan stated that the Planning Commission stated that this application was being treated separate and apart from the original application. The applicant has not applied to amend the original. The Ordinances do not allow for amendments administratively. Mr. Jernigan stated that he has spoken with Mr. Box and he recommended that the application to amend the original Special

Use Permit be restricted solely to the issue at hand and that is the removal or non-removal of the fence. This would keep the whole project from being reconsidered. The council has the authority to approve the recommendations made by the Planning Commission subject to the condition that the process be followed. Ms. Blank asked the council to please take the advice of the attorney and have the review limited to the fence. Councilman Wehba stated that he did not want to revisit this issue again and wanted it taken care of right this time. Jesus Morales spoke about the different types of curbing that is along the property on 42nd Street. Mr. Morales feels that all the curbing should be brought up to 4 inch curbing.

Councilman Johnson pointed out that no action could be taken on this item since the word action was left out of the item wording. City Attorney Jernigan stated that he wanted to request a special meeting for next week so this item could be taken care of at that meeting. The decision was made to set a special meeting for July 7, 2003 at 7:00 pm.

Motion by Johnson, second by Frisbie to close the Public Hearing. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

Motion by Wehba, second by Smith to continue this item to July 7, 2003 at 7:00 pm. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

9. Final Public Hearing concerning the re-districting of 5700 N Central from R-1 Single Family Residential District to FE Single Family Estate District. Mark Burghart, owner/applicant.

The question was raised as to whether proper process was followed and Mr. Beasley stated that it was. There were no complaints and the Planning Commission recommended approval. Again, as in the previous item the word action was not included in the item wording so the action will be taken at a special meeting July 7, 2003.

Motion by Frisbie, second by Curl to close the Public Hearing. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

Motion by Wehba, second by Frisbie to continue this item to July 7, 2003 at 7:00 pm. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

10. Public Hearing on proposed changes to Title 19 recommended by the Title 19 committee and the Planning Commission.

City Attorney Jernigan stated that he had intended on having an Ordinance ready for the council to approve with the changes to Title 19 but was not able to get it ready in time for this meeting. He did hand out a rough draft and went through it section by section with the council. Councilman Wehba stated that he would like the footage in 19.36.030 M1b and 19.38.030 Q1b changed to 1000 feet. Jernigan asked that at this time to leave it as is and at the time of approval of the Ordinance the change can be made. Councilman Johnson asked that the zoning District be inserted in each section to make it clear which districts the changes were being made to. Jesus Morales was concerned about facilities for drug and alcohol rehab that were already in existence. Wiley Rice stated that the key words were Supervised Counseling. As for the issue of warehousing in C-3 Councilman Johnson was concerned about if the proposed change was really what the city wanted to do. Wiley Rice stated that this was really the lesser of all evils. Councilman Johnson felt that it should be limited and hated the thought of retail space being used as a warehouse. Wiley Rice stated that there was no limit to storage on retail business and it could be on review. Councilman Curl stated that this change would give the city more control.

This item also did not have the word action included in it so it will also be continued to July 7, 2003 at 7:00 pm.

Motion by Smith, second by Wehba to close the Public Hearing. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

Motion by Curl, second by Wehba to continue this item to July 7, 2003 at 7:00 pm. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

11. Reports from Staff. Police, Fire, City Clerk, City Inspector, Street, Sanitation Sewer and City Engineer, Planning Commission Chairman, Board of Adjustment Chairman.

Chief Patty stated that the city had received notice of approval for the grant to reimburse the city \$4370.33 for the body armor that was recently purchased. He also stated that the Police department had also been approved again for a traffic grant.

Robert Beasley state that several properties had already been taken care of and he was trying to catch several more before they reached notification deadlines.

Earl Hayes stated that everything was going well without Wednesday service and no overtime. There is still confusion on what size cans will be picked up.

Layne Hoel, a sewer contractor who worked on the recent problem at the Ann Arbor lift station addressed the council at the Mayor's request. On June 13th the pumps at the Ann Arbor lift station both quit working. He stated that it was extremely close to overflowing when he arrived and immediately started working to remedy the problem. Both pumps had to be pulled and worked on. He said that both were back up and running but he could not guarantee how long they would continue to work. He stated that most pumps do not last as long as these have under normal conditions and that these pumps have lasted through heavy conditions. He is preparing several different quotes for the city on different options the city can take to get this problem resolved. Mayor Tardibono asked Scott Barrett also to get quotes for the city.

12. Report on status of the Ann Arbor Project and NW Expressway and MacArthur intersection.

Scott Barrett stated that ODOT was to award the bid on July 7, 2003 for Ann Arbor then the contractor would have around 40 days to get the work started. The question was asked concerning the inspections on the Ann Arbor project and who would do these inspections. Mr. Barrett stated that ODOT does the inspections. As for NW Expressway and MacArthur a request of ODOT has been made for corrections to be made for safety.

13. Discussion and action on Goodwill clean up and pending occupational permit.

Councilman Wehba stated that Goodwill has become a real eye sore. He said he did not understand why the city kept allowing it to happen. He was concerned that if they move the problem will only be moved to the back of the store and could possibly get worse. The Mayor and Chief Patty met with Goodwill and were told that they were trying to get the situation cleaned up. Chief Patty stated that this store was the busiest store and received more than 300 donations a week. They have posted signs and security in an effort to stop the dumping and dumpster divers. Councilman Wehba stated that he felt the city needed an Ordinance on outside storage and that a sight proof fence would not help, it might even cause the problem to become larger. Councilman Johnson stated that anyone caught dumping should be ticketed. Another suggestion was for Goodwill

to be fined everyday until it is cleaned up. Councilman Wehba asked that this item be on the agenda again next month.

14. Discussion on no outside storage for Goodwill in the front or the back of the building, and the need for the building to be brought to code before they move into their new location.

Moot.

15. Discussion and action on appointing a delegate, and another alternate for ACOG.

Mayor Tardibono stated that she would like to appoint Councilman Gossman but since he was unable to attend this meeting she would like to move this item to the July 7, 2003 meeting.

16. Discussion and action on appointing or re-appointing members to the Traffic Commission whose terms have already expired. (Ward III Patty Warren expired March 2002, At-Large Darrell McDaniels expired March 2002, Ward II J.W. Hirst expired March 2003 and Ward IV Tom Wiess expired March 2003) New Terms to expire for Ward III and At-Large, March 2005 and Ward II and IV to expire March 2006.

The Mayor made a plea to the citizens for anyone interested in serving on the Traffic Commission please notify the city. Mr. Darrell McDaniels had informed the Mayor that he would like to continue serving on the Traffic Commission in the At-Large position. Patty Warren told the Mayor that she would continue to serve if the city so desired but if not it did not matter to her. Next month this item will be on the agenda to appoint Wards II, III and IV.

Motion by Curl, second by Wehba to appoint Mr. Darrell McDaniels to serve on the Traffic Commission for another term to expire March 2005. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

17. Discussion and action on declaring a vacancy on the Board of Adjustment for Ward II due to the resignation of Kenneth Mitchell. (Term to expire October 2003)

Mayor Tardibono declared a vacancy on the Board of Adjustment, stating that Kenneth Mitchell had resigned from the Board of Adjustment and anyone that lived in Ward II that would be interested in serving on a board should let the city know.

18. Discussion and action on appointing a member to the Board of Adjustment for Ward II to fulfill unexpired term of Kenneth Mitchell. (Term to expire October 2003)

This item will be heard at the August 5, 2003 Regular City Council Meeting.

19. Discussion and action on appointing or re-appointing a member to the Personnel Board for expired term on July 1, 2003, Charlie Ferguson. (New Term to expire July 1, 2009)

Mayor Tardibono stated that she had spoken to Mr. Ferguson and he stated that he would do whatever the city wished whether it be to continue on the board now or maybe be appointed later. He stated that he only accepted the position this last time to help out when his predecessor moved on. She continued by stating that at this time she would like to have Mr. Jim Priest, an attorney and writes a column for the Daily Oklahoman and who lives in Twin Lakes, fill the position. She stated that she first came into contact with Mr. Priest at the OML Basis Training conference where he was one of the speakers.

Motion by Smith, second by Frisbie to approve Mr. Jim Priest to the Personnel Board for a term to expire July 1, 2009. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

20. Discussion and action on approval of consulting services agreement with Wiley Rice, Jr. for City Planner services.

Councilman Curl stated that he was Chairman of the Planning Commission when Mr. Rice was first appointed and that he has done a wonderful job.

Motion by Curl, second by Frisbie to approve the consulting agreement with Wiley Rice, Jr. . Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

21. Questions and Comments from Warr Acres City Councilmen.

Councilman Johnson asked how Jason Davis was doing and if he was being productive. Chief Patty state that he was working and helping out at city hall.

Councilman Frisbie wanted to let everyone know and to thank Councilman Smith for all the work he has been doing on the television access channel and internet.

Councilman Curl requested information on the permit issued by the Planning Commission and the requirements for the veggie stand at 63rd and MacArthur. He thought they said the truck would not be there and possibly need to revoke his permit. He also would like this item on the agenda next month.

Councilman Frisbie stated that maybe the city needed do an Ordinance on the way signs were made or the appearance of the signs.

Councilman Smith stated that ACOG needs to know by October for FY 2005 if the city will be ready for any projects for federal funding. The city would not have to come up with the money until that time. He also asked the engineer about what all was included for the MacArthur Project. He stated that maybe the 50th to 63rd would be the best to do since 50th to 58th in this area does not have curbs and guttering. Scott Barrett stated that his firm did not do the plans, however, he understood that the plan was to widen MacArthur to 5 lanes allowing for a center turn lane, curb and gutter and sidewalks. The plans were done in three 1-mile sections. ODOT had always planned on the middle section going first; the city council had discussed doing 50th to 39th section first. However, ODOT never changed their schedule. Part of the reason was when the city found out how expensive the right-of-ways would be the project stalled, because the city is solely responsible for acquiring the right-of-ways. Councilman Wehba asked what impact there would be if 39th to 50th was never able to be done. Scott Barrett stated that he would take a look at the plans before the next meeting. Councilman Smith stated again that this is for the FY 2005 year, and the city can withdraw at anytime.

This item will be on the agenda for August.

Councilman Wehba asked about offices being made at the city garage for the Council. He asked about the person that was using that office and was told that he was moved back over to the building where his staff is located.

22. Discussion and action on possibly entering into Executive Session as allowed under 25 O.S. Supp. 307 (B) (1), concerning David Oakley and Mark O'Connor regarding the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee.

Motion by Wehba, second by Smith to enter into Executive Session. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

The council entered into executive session at 9:05 p.m.

The council returned to open session at 9:36 p.m. NO ACTION TAKEN.

23. New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

There were none.

24. Mayor Tardibono adjourned the meeting at 9:38 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
JULY 1, 2003
7:00 p.m.

1. The Mayor called the meeting to order at 9:38 pm.

ROLL CALL

PRESENT

Chairperson Marietta Tardibono
Vice-Chair Justin Frisbie
Trustee Jimmy Alexander
Trustee Walter Johnson
Trustee Bob Wehba
Trustee Barry Curl
Trustee Tom Smith
Trustee Greg Hayes

ABSENT

Trustee Mike Gossman

2. Approve the minutes of the Regular Warr Acres Public Works Authority Meeting of June 3, 2003.

Motion by Frisbie, second by Smith to approve the minutes. Poll vote:
Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea;
Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

3. Approve payment of claim in the amount of \$60,034.01 to the City of Warr Acres as approved by the Bethany/Warr Acres Public Works Authority in an effort to help the two cities suffering budget cutbacks.

Motion by Curl, second by Smith to approve the payment of the claim. Poll vote:
Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea;
Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

4. The meeting was adjourned at 9:40 pm.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

MEETING OF THE TRUSTEES OF THE WARR ACRES
ECONOMIC DEVELOPMENT AUTHORITY
5930 NW 49TH STREET,
WARR ACRES, OKLAHOMA
JULY 1, 2003
TUESDAY
7:00 p.m.

1. The meeting was called to order at 9:40 pm.

ROLL CALL

PRESENT

Chairperson Marietta Tardibono
Vice-Chair Justin Frisbie
Trustee Jimmy Alexander
Trustee Walter Johnson
Trustee Bob Wehba
Trustee Barry Curl
Trustee Tom Smith
Trustee Greg Hayes

ABSENT

Trustee Mike Gossman

2. Approval of Minutes of the Meeting of Economic Development Authority
Regular Meeting of June 12, 2003.

Motion by Wehba, second by Frisbie to approve the minutes. Poll vote:
Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea;
Hayes, abstain; and Tardibono, yea.

Motion passed.

3. Discussion and action on contracts for services provided by Thomas Lay, Paul
Smith and the Floyd Law Firm in conjunction with the Economic Development
Authority.

City Attorney Jernigan stated that he had still not gotten in contact with Mr. Lay
concerning the contract. This item will need to be on the August agenda.

4. Discussion and action on purchase and sale of property and incentives, including
entering into Executive Session as allowed under 25 O.S. Supp 307 (D) , all

nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces, or study group supported in whole or part by public funds, or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

Motion by Wehba, second by Smith to enter into Executive Session since discussion in open meeting might hinder the enticement of a business. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

The Trust entered into Executive Session at 9:45 pm.

The Trust returned to Open Session at 10:17 with NO ACTION TAKEN.

Motion by Frisbie, second by Wehba to continue this meeting to July 7, 2003 after the Special Council Meeting. Poll vote: Alexander, yea; Johnson, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

Motion passed unanimously.

5. The meeting was adjourned at 10:18.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk